

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JACK OLDHAM,

Petitioner,

ORDER

v.

08-cv-036-bbc

MICHAEL THURMER, Warden,
Waupun Correctional Institution,

Respondent.

This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner Jack Oldham has filed a motion that I construe to be a motion for discovery pursuant to Rule 6 of the Rules Governing Section 2254 Cases. Dkt. #9. Petitioner asks this court to order respondent to produce copies of the following documents: 1) presentence reports filed in petitioner's Clark County cases 88-CF-44 and 02-CF-138; 2) unspecified doctor's reports; 3) unspecified eye witness statements; 4) "the investigator's report;" 5) a copy of the plea bargain; 6) police reports; 7) the DNA test report; and 8) the lie detector test report.

Rule 6(a) of the Rules Governing Section 2254 Cases provides that a court may authorize a petition to conduct discovery, but only if there is "good cause" to do so. As a

corollary to the “good cause” requirement, a petitioner must provide reasons for his requested discovery. Rule 6(b) of the Rules Governing Section 2254 Cases. A petitioner cannot show good cause unless the underlying facts, if proven, constitute a constitutional violation. Hubanks v. Frank, 392 F.3d 926, 933 (7th Cir. 2004).

Petitioner has fallen far short of the showing he must make in order to be granted leave to conduct discovery. The only reason petitioner gives for seeking the various documents is that he “needs them.” Petitioner fails to explain what he thinks is in any of the documents that will show that he is in custody in violation of his constitutional rights. Accordingly, his motion must be denied.

ORDER

IT IS ORDERED that petitioner’s motion for discovery is DENIED.

Entered this 28th day of February, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge